

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ISIAH GARRETT,

Petitioner,

v.

SUPERINTENDENT THOMAS  
MCGINLEY and  
PA STATE ATTORNEY GENERAL,

Respondents.

No. 4:17-CV-01574

(Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**MAY 10, 2019**

Isiah Garrett, a Pennsylvania state prisoner, filed this 28 U.S.C. § 2254 petition seeking to vacate his conviction and sentence.<sup>1</sup> On April 3, 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court deny Garrett's § 2254 petition on the grounds that the petition is (1) time-barred and (2) without merit.<sup>2</sup> No timely objections were filed to this Report and Recommendation.

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 12.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.<sup>3</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.<sup>4</sup> After reviewing the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s conclusion that Garrett’s petition is time-barred. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 12) is **ADOPTED**;
2. Garrett’s 28 U.S.C. § 2254 petition (Doc. 1) is **DENIED**;
3. A certificate of appealability shall not issue; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge

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<sup>3</sup> Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

<sup>4</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.